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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.

Date of Deposit:	10/18/05	Name of Person Making the Deposit:	Shannon Carmo	Signature of the Person Making the Deposit:	<i>Shannon Carmo</i>
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In re Application of: FASTOW, et al.

Application No.: 10/658,936

Examiner: NGUYEN, D.

Filed: 09/09/2003

Art Unit: 2818

Confirmation No.: 3102

For: FLASH MEMORY WITH HIGH-K DIELECTRIC MATERIAL BETWEEN SUBSTRATE AND GATE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application

☒ Transmitted herewith is a response to an office action for the above identified patent application.

( 8 sheets)

☐ Transmitted herewith are sheets of substitute formal drawings.☐ Other:

2. Applicant is other than a small entity

**Extension of Term**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) [ ] Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

<u>Extension</u>	<u>Fee</u>
[ ] one month	\$120.00
[ ] two months	\$450.00
[ ] three months	\$1,020.00
[ ] four months	\$1,590.00
[ ] five months	\$2,160.00
	<b>Fee \$</b>

If an additional extension of time is required, please consider this a petition therefor.

(b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.



**Fee Calculation**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

<b>(for other than a small entity)</b>					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	12	- 12 =		x \$50.00	\$0.00
Independent Claims	3	- 3 =		x \$200.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$360.00	\$0.00
<b>Total Fees</b>					<b>\$0.00</b>

**PAYMENT OF FEES**

5. The full fee due in connection with this communication is provided as follows:
- [ x ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
Customer No: 45592

Respectfully submitted,

Date: October 18, 2005

By: William A. Zarbis  
William A. Zarbis  
Reg. No. 46,120





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Fastow et al.	)	Examiner: NGUYEN, D.
	)	
Serial No.: 10/658,936	)	Art Unit: 2818
	)	
Filed: September 9, 2003	)	Confirmation No.: 3102
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For: FLASH MEMORY WITH	)	
HIGH-K DIELECTRIC	)	
MATERIAL BETWEEN	)	
SUBSTRATE AND GATE	)	
	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE  
TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed August 18, 2005, please consider the following remarks and enter the following amendments. Amendments to the claims are presented beginning on page 2 of this response. Remarks begin on page 5.

AMD-H0561/JPH/WAZ  
Examiner: NGUYEN, D.

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Serial No.: 10/658,936  
Group Art Unit: 2818